

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HOMEAWAY.COM, INC.,

Plaintiff,

-v-

CITY OF NEW YORK,

Defendant.

18 Civ. 7742 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received a letter from defendant the City of New York (the “City”), dated October 6, 2020, seeking dismissal of this action as moot. Dkt. 129 (“Def. Ltr.”) at 1. Plaintiff HomeAway.com, Inc. (“HomeAway”) does not oppose that motion. *Id.*

This case concerns the constitutionality of New York City Local Law No. 146 of 2018 (“Local Law 146”), which imposed onerous reporting requirements on HomeAway and other booking services. *Id.* On January 3, 2019, the Court issued a preliminary injunction preventing Local Law 146 from taking effect. Dkt. 62. Since then, the City and Airbnb, Inc. (“Airbnb”), another booking service that challenged Local Law 146, entered into a settlement agreement under which the City would enact a new law amending the reporting requirements at issue in this case. Def. Ltr. at 1 n.1. In July 2020, the City did so with its enactment of New York City Local Law No. 64 of 2020, which eliminated some of Local Law 146’s requirements and limited several others. Dkt. 129-1 (“Local Law 64”). Airbnb then voluntarily dismissed its claims against the City. Def. Ltr. at 1 n.2; *see Airbnb, Inc. v. City of New York*, No. 18 Civ. 7712, Dkt. 161 (S.D.N.Y. July 14, 2020).

After the enactment of Local Law 64, the aspects of City law that formed the basis for this lawsuit either no longer exist or have been substantially amended. *See* Def. Ltr. at 1–2. In such circumstances, courts routinely dismiss cases as moot. *See, e.g., Lamar Advert. of Penn, LLC v. Town of Orchard Park*, 356 F.3d 365, 376 (2d Cir. 2004); *Harrison & Burrowes Bridge Constructors, Inc. v. Cuomo*, 981 F.2d 50, 61 (2d Cir. 1992). Accordingly, finding that the issues presented in this case have been addressed by the enactment of Local Law 64, the Court grants the City’s unopposed request and dismisses this action as moot.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: October 7, 2020  
New York, New York